

### Remarks

The second, non-final Office Action rejected claims 1-15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,563,746 issued to Bliss ("Bliss '746"). This rejection is respectfully traversed.

Claim 1 recites "scanning *consecutive data wedges* on a data storage medium for defects by transducing *a readback signal from said wedges beginning at a wedge non-adjacent* an angular index reference position." Bliss '746 is silent in this regard.

Bliss '746 discloses an asynchronous mode that is employed wherein all of the user data sectors 15 on a track are consecutively scanned (this scan includes the preamble area, sync area and user data area in each sector). See col. 7, lines 32-34; col. 7, lines 54-60; col. 7, line 63 to col. 8, line 1.

It is clear that Bliss '746 begins the asynchronous mode scanning of sectors at the servo index, and it is speculative on the part of the Examiner to conclude otherwise. See, e.g., col. 7, lines 61-63.

Similarly, the Examiner's reference to col. 8, lines 22-23 of Bliss '746 does nothing to support the rejection, since this excerpt from Bliss '746 relates to a second pass "synchronous mode" processing, and it is clear that such takes place for *a single data sector*. See col. 8, lines 1-9 and 20-23 ("and then a synchronous defect scan determines the exact location of media defects *within the user data field*." col. 8, lines 5-9, emphasis added).

Accordingly, since Bliss '746 fails to disclose scanning consecutive data wedges for defects beginning at a wedge non-adjacent an angular reference position, as claimed by 1, the rejection of this claim is improper and should be withdrawn. The Applicant therefore

requests reconsideration and withdrawal of the rejection of claim 1, as well as reconsideration and withdrawal of the rejection of the claims depending therefrom.

Since claim 9 likewise requires the scanning of multiple, consecutive data wedges beginning at a non-index position, Bliss '746 is likewise deficient with regard to the subject matter of independent claim 9. The Applicant therefore further requests reconsideration and withdrawal of the rejection of claim 9 and for the claims depending therefrom.

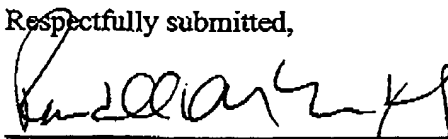
### Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This is intended to be a complete response to the second non-final Office Action (Paper No. 8) mailed March 9, 2004.

Should any questions arise concerning this response, the Examiner is invited to contact the below signed attorney.

Respectfully submitted,

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